



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by African Green Foundation International, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

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\* Issued as received, in the language(s) of submission only.



## Is Tamils Rights or Tamil Aspirations denied in Sri Lanka?

Over the years matters have become complicated simply because we have allowed two words to become intermingled confusing facts. While every citizen can demand his/her “right” from the State, no citizen can expect his/her “aspiration” to be given by the State. What we currently face is a plethora of “aspirations” which are unlikely to be ever fulfilled making it wiser to separate the rights from the aspirations and thereafter to inform the State what rights have been denied or even neglected. This is the only way forward and entails proper reconciliation that is practical & realistic.

If we are to argue on “rights” denied, then the list forwarded by Sinhalese is likely to be far longer. Contrary to the impression given internationally that only Tamils are marginalized, things are not so rosy for ordinary Sinhalese as well. There are many towns that do not have proper roads, schools suffer shortage of proper trained teachers & equipment, lack of proper transport leaves children having to brave mud & cross rivers and walk for miles to catch the bus to school, there are even areas without proper electricity or drinking water.

We feel that not all Tamils share the “aspiration” for a Tamil Eelam, not all Tamils desire to live amongst their own only, not all Tamils wish to be ruled by dictators like Prabhakaran where the bullet rules instead of the ballot. We feel that Tamils realize that they are divided by caste & class but they don’t want to publicize this. We may be mistaken but for that we would need to put a direct question to the Tamil people because they can’t claim 1/3 of Sri Lanka’s land & 2/3 of Sri Lanka’s sea & call it Tamil Eelam whilst also gaining the right to live in other parts of Sri Lanka. Which country will allow this when historically Sinhalese have been living far longer than any other ethnic group throughout Sri Lanka?

In Jaffna members of the same caste only eat together. High castes are not allowed to marry low castes. Those that do are often shunned from the family. Unclean castes are forbidden from entering Tamil kovils or to bathe in the sacred rivers. Low castes were forbidden from obtaining education until SWRD Bandaranaike introduced the Social Disabilities Prevention Act 21 in 1957. Even then higher caste Tamil politicians agitated against this. Low caste children had to sit on the floor and study. Not many know of these sufferings which have emerged to the same levels that existed prior to LTTE. The Government Agent was vociferous about the high rise in rape cases “...” Tamils raping Tamils, what a shame!

No country would have given a place to just 9% of the population as Sri Lanka has simply because colonial powers succeed to mentally brainwash Tamils into thinking themselves above the Sinhalese and rightful heirs to ruling Sri Lanka. Let us not forget that the Tamil population by independence was just 880,000!

Let us see how the Constitution has provided for Tamils.

Under the 1978 Constitution, Chapter IV (Language Provisions) “...” Article 18 (1) & 18 (2) amended by 13th amendment making Sinhala and Tamil official languages of Sri Lanka. Article 19 – National Languages of Sri Lanka shall be Sinhala and Tamil. A member of Parliament or a member of a Provincial Council or a local authority shall be entitled to perform his duties and discharge his functions in Parliament or in such Provincial Council or local authority in either of the National Languages. – Article 20 as amended by the 16th Amendment.

- A person is being entitled to be educated through the medium of either of the national Languages. – Article 21(1)
- Sinhala and Tamil shall be the languages of administration throughout Sri Lanka. “...” Article 22(1) as amended by the 16th Amendment

In any area where Sinhala is used as the language of administration a person other than an official acting in his official capacity, shall be entitled:

- to receive communications from, and to communicate and transact business with, any official in his official capacity, in either Tamil or English;

- if the law recognizes his right to inspect or obtain copies of extracts from any official register, record, publication or other document, to obtain a copy of, or an extract from such register, record, publication or other document, or a translation thereof, as the case may be, in either Tamil or English.
- where a document is executed by any official for the purpose of being issued to him, to obtain such document or translation thereof, in either Tamil or English. “”...” Article 22(2) (a) “”...” (c) as amended by the 16th Amendment
- In any area where Tamil is used as the language of administration, a person other than an official acting in his official capacity, shall be entitled to exercise the rights, and to obtain the services, referred to in above in Sinhala or English. – Article 22(3) as amended by the 16th Amendment
- All laws and subordinate legislation shall be enacted or made and published in Sinhala and Tamil, together with a translation thereof in English. – Article 23(1) as amended by the 16th Amendment
- Sinhala and Tamil shall be the language of the Courts throughout Sri Lanka. – *Article 24(1) as amended by the 16th Amendment*

Let us now move on to look at what Tamils enjoy presently in Sri Lanka.

Does the Sri Lankan national flag not denote its ethnic minorities “” ...” Orange depicted for Tamils & Green depicted for Muslims?

- Are all public documents not in Sinhalese & Tamil (marriage certificate, death certificate, immigration forms etc.)?
- Are Sri Lankan currency & notes not in Sinhalese & Tamil?
- Are public events not presented in Sinhalese, Tamil & English?
- Are Tamils denied ownership rights to property, land, business ventures “”...” Tamils & Muslims together outnumber the Sinhalese in Colombo
- Are Tamils denied right to healthcare services? Do doctors not treat Tamils and are medicines not issued because a patient is a Tamil? Do operations get delayed purposely because a patient is a Tamil?
- Are Tamils denied access to public transport and not given a seat because they are Tamils? Are seats separately allocated for Tamils? Is there any public area that specifically denies Tamil entry because they are Tamils and allows only Sinhalese?
- Are Tamils denied access to the use of public utilities because they are Tamils?
- Are Tamils denied the right to indulge in sports & are they not chosen to represent Sri Lanka at national sports events because they are Tamil?
- Does any hotel or restaurant owned by a Sinhalese deny access to Tamils?
- Is there any sign board that explicitly says “Tamils are not welcome”, or “No Tamils”?
- Do Sinhalese shop owners deny the right to purchase to Tamils?
- Yet, do Tamils not feel shy to openly say they will not rent or sell their property to Sinhalese?

On the subject of discrimination all of the violence that Tamils have been subject to has been by the UNP Governments who burnt the Jaffna library & instigated the 1983 riots.

We now come to Tamil Nadu “”...” a state where there are over 70m Tamils. Dalits, as per the 1991 census, form 19.18 % of the total Tamilnadu population yet nearly 80% of the dalit population in Tamilnadu still live in villages whilst over 60% of dalits remain illiterate. On an average dalits regularly suffer from verbal abuse (62.4%), physical assault (54.8%), sexual harassment and assault (46.8%), domestic violence (43.0%) and rape (23.2%). These are Tamils treating their own & these Tamil Nadu politicians are talking justice

Aspirations cannot be a basis to seek a political solution and no Government should allow aspirations to be the basis of discussions. (reference - *Shenali D Waduge*)

Global Srilankan forum excom- GLSF UK, GSLF Australia, GSLF Poland, GSLF UAE, GSLF Ireland, GSLF Canada, GSLF Switzerland, GSLF Russia. NGO(s) without consultative status, also share the views expressed in this statement.